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7 Attorneys for Defendants AMERICAN HOME ASSURANCE COMPANY and INSURANCE
COMPANY OF THE STATE OF PENNSYLVANIA

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

11 PLANTRONICS, INC., a Delaware
corporation,,

12 Plaintiff,

13 v.

14 AMERICAN HOME ASSURANCE
15 COMPANY, a New York corporation; THE
INSURANCE COMPANY OF THE STATE
16 OF PENNSYLVANIA, a Pennsylvania
corporation; ATLANTIC MUTUAL
17 INSURANCE COMPANY, a New York
corporation,,

18 Defendants.

) CASE NO. C07-06038 PVT

) **STATEMENT OF NON-OPPOSITION TO**
) **ATLANTIC MUTUAL'S MOTION TO**
) **DISMISS COMPLAINT BY DEFENDANTS**
) **AMERICAN HOME ASSURANCE**
) **COMPANY and INSURANCE COMPANY**
) **OF THE STATE OF PENNSYLVANIA, and**
) **OBJECTION**

) Date: March 18, 2008

) Time: 10:00 a.m.

) Place: Courtroom 5

) Trial Date: None set

) The Hon. Patricia V. Trumbull

20
21 Defendants AMERICAN HOME ASSURANCE COMPANY ("AHAC") and
22 INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA ("ICSOP") hereby give
23 notice that they do not intend to file an opposition to defendant ATLANTIC MUTUAL
24 INSURANCE COMPANY'S Motion to Dismiss Complaint.

25 AHAC and ICSOP object, however, to the statement by plaintiff PLANTRONICS, INC. in
26 its Opposition to Atlantic Mutual Insurance Company's Motion to Dismiss Complaint that AHAC
27 and ISCOP filed an answer to the complaint and therefore "[a]fter reading Atlantic Mutual's
28 motion, American Home and ICSOP apparently concluded that there are insufficient grounds to

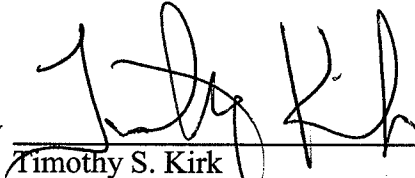
1 move to dismiss the complaint.” (Plaintiff’s Opposition, at 2: 26-28, fn. 4.) AHAC and ICSOP
2 have not made any such conclusion and they object to plaintiff’s unfounded attribution of motive
3 and strategy with regard to the motion to dismiss.
4

5 DATED: March 4, 2008

Respectfully submitted,

6 LEWIS BRISBOIS BISGAARD & SMITH LLP

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8
9 By



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